IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

Crl.MC.No. 2949 of 2007()

L.P.NO.57/07 OF Judicial Magistrate of the First Class-II, TRIVANDRUM

PETITIONER:

SUPRABHA,
W/O.DAMODARAN,
AGED 50 YEARS, C.C.68/61, PACHALLOOR,
TRIVANDRUM.

BY ADV. SRI.MANOJ P.KUNJACHAN

RESPONDENTS:

S.I.OF POLICE,
POONTHURA POLICE STATION,
REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.2949 of 2007

Dated this the 24th day of September 2007

O R D E R

The petitioner faces indictment in a prosecution under Section 55A of the Kerala Abkari Act. The petitioner was not arrested during investigation. She had not appeared before the learned Magistrate after the final report was filed. Consequently, she finds coercive processes issues by the learned Magistrate chasing her. The case against her has been transferred to the list of long pending cases. According to the petitioner, she is innocent. Her absence was not wilful or deliberate. The petitioner is willing to surrender before the learned Magistrate and seek regular bail. But she apprehends that her application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. She, therefore, prays that directions under Section 482 Cr.P.C. may be issued to the learned Magistrate to release the petitioner on bail when she appears and applies for bail.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate, the

circumstances under which she could not earlier appear before the learned Magistrate. I find absolutely no reason to assume that the learned Magistrate would not consider the application for bail to be filed by the petitioner on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific directions appear to be necessary. Sufficient general directions have been issued in Alice George vs. Deputy Superintendent of Police [2003(1)KLT 339].

3. In the result, this Criminal Miscellaneous Case is dismissed but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself .

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007